

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

ERICKA WINCHESTER, et al.,)	No. ED100968
)	
Respondents,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	
)	Honorable Rex M. Burlison
ALLISON SUNSHINE,)	
)	
Appellant.)	FILED: October 21, 2014

Appellant Allison Sunshine (“Sunshine”) appeals from the judgment of the trial court granting Respondent Ericka Winchester’s (“Winchester”) motion for a new trial on the issue of damages only. Winchester brought suit against Sunshine, Respondent George Johnson (“Johnson”), and Respondent Paul Achenbach (“Achenbach”) for damages resulting from a car accident. A jury returned verdicts in favor of Johnson and Achenbach, finding each zero percent at fault for Winchester’s damages. The jury also returned a verdict against Sunshine, finding Sunshine 100 percent at fault for Winchester’s damages but assessing Winchester’s damages at zero dollars. The trial court granted Winchester’s motion for a new trial on the issue of damages only, and only as to Sunshine, on the ground that the verdict was against the weight of the evidence. The trial court denied Winchester’s motion for a new trial on the issue of liability. Sunshine appeals both judgments. On appeal, Sunshine argues that the trial court abused its discretion in finding the verdict awarding zero dollars in damages to be against the weight of the evidence and granting a new trial as to damages only. Sunshine also argues that the trial court abused its discretion in denying Winchester’s motion for a new trial as to the issue of liability.

AFFIRMED.

Division III Holds: Because the trial court did not abuse its discretion in granting Winchester’s motion for a new trial on the issue of damages, and because Sunshine failed to preserve the issue of the trial court’s denial of Winchester’s motion for a new trial on the issue of liability for appellate review, the judgment of the trial court is affirmed.

Opinion by: Kurt S. Odenwald, P.J., Robert G. Dowd, Jr., J. and Gary M. Gaertner, Jr., J., Concur.

Attorney for Appellant: Mary K. Justin

Attorney for Respondent Erika Winchester: Robert H. Pedroli, Jr., Daniel J. Gauthier and
Eric A. Ruttencutter

Attorney for Respondent George Johnson: Johnathon C. Brereton-Hubbard

Attorney for Respondent Paul Achenbach: Carl D. Kraft

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
